

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

MARVIN N. MCFAYDEN,

Plaintiff,

v.

NEW HANOVER COUNTY; NEW HANOVER
COUNTY BOARD OF ELECTIONS; NORTH
CAROLINA STATE BOARD OF ELECTIONS;
JOSHUA B. HOWARD, in his official capacity;
RHONDA K. AMOROSO, in her official
capacity; JOSHUA D. MALCOLM, in his official
capacity; JAMES L. BAKER, in his official
capacity; and MAJA KRICKER, in her
official capacity,

Defendants.

JUDGMENT

No. 7:15-CV-132-FL

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the motion to dismiss filed by defendants State Board of Elections; Joshua B. Howard; Rhonda K. Amoroso; Joshua D. Malcolm; James L. Baker; and Maja Kricker (collectively “the SBE defendants”), pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief may be granted.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court’s order entered January 14, 2016, and for the reasons set forth more specifically therein, that the SBE defendants’ motion to dismiss is granted, with respect to plaintiff’s federal claims, the second and sixth claims for relief. The court declines to exercise supplemental jurisdiction over plaintiff’s remaining claims, and such remaining claims are remanded to the General Court of Justice, Superior Court Division in New Hanover County, North Carolina.

This Judgment Filed and Entered on January 14, 2016, and Copies To:

Gary K. Shipman (via CM/ECF Notice of Electronic Filing)
William Cory Reiss (via CM/ECF Notice of Electronic Filing)
Scott C. Hart (via CM/ECF Notice of Electronic Filing)
W. Ellis Boyle (via CM/ECF Notice of Electronic Filing)
Alexander McClure Peters (via CM/ECF Notice of Electronic Filing)

The Honorable Jan Kennedy, New Hanover County Clerk of Superior Court
(via U.S. mail) PO Box 2023, Wilmington, NC 28402-2023

January 14, 2016

JULIE RICHARDS JOHNSTON, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk